

Article 46.

Guaranteed Asset Protection Waivers.

§ 66-440. Definitions.

The following definitions apply in this Article:

- (1) Administrator. – A person that performs administrative or operational functions with respect to guaranteed asset protection waivers.
- (2) Borrower. – A debtor, retail buyer, or lessee under a vehicle finance agreement.
- (3) Creditor. – Any of the following:
 - a. A lender in a loan or credit transaction.
 - b. A lessor in a lease transaction.
 - c. A vehicle dealer, including a motor vehicle dealer as that term is defined in G.S. 20-286(11), that provides credit to or arranges financing for a purchaser of a vehicle.
 - d. A seller in a commercial retail installment transaction.
 - e. An assignee of any of the foregoing to whom the credit obligation is payable.
- (4) Free-look period. – The period of time from the effective date of a guaranteed asset protection waiver until the date the borrower may cancel the contract without penalty, fees, or costs to the borrower.
- (5) Guaranteed asset protection waiver. – A contractual agreement in which a creditor agrees for a separate charge to cancel or waive all or part of amounts due on a borrower's vehicle finance agreement in the event of a total physical damage loss or unrecovered theft of the vehicle, which agreement shall be part of, or a separate addendum to, the vehicle finance agreement.
- (6) Insurer. – An insurance company licensed, registered, or otherwise authorized to do business under Chapter 58 of the General Statutes.
- (7) Vehicle. – A motor vehicle, as that term is defined in G.S. 20-286(10), as well as self-propelled or towed vehicles designed for personal or commercial use, including, but not limited to, automobiles, trucks, motorcycles, recreational vehicles, all-terrain vehicles, snowmobiles, campers, boats, personal watercraft, and trailers for motorcycles, boats, campers, and personal watercraft.
- (8) Vehicle finance agreement. – A loan, lease, or retail installment sales contract for the purchase or lease of a vehicle. (2013-193, s. 1.)